

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

Nos. 06-2294 and 06-2408

DAVIS INTERNATIONAL, LLC;
HOLDEX, LLC;
FOSTON MANAGEMENT, LTD;
OMNI TRUSTHOUSE, LTD

v.

NEW START GROUP CORP.; VENITOM CORP.;
PAN-AMERICAN CORP.; MDM BANK;
URAL-GORNO METALLURGICAL COMPANY;
EVRAZ HOLDING; MIKHAIL CHERNOI;
OLEG DERIPASKA; ARNOLD KISLIN;
MIKHAIL NEKRICH; ISKANDER MAKMUDOV

Davis International, LLC, Holdex, LLC,
Foston Management, LTD, Omni Trusthouse, LTD,

Appellants in 06-2294

New Start Group Corp; Venitom Corp.;
MDM Bank; Ural-Gorno Metaluragical Company;
Evraz Holding; Mikhail Chernoi;
Oleg Deripaska; Arnold Kislin;
Mikhail Nekrich; Iskander Makmudov,

Appellants in 06-2408

Appeal from the United States District Court
for the District of Delaware
(D.C. Civil Action No. 04-cv-01482)
District Judge: Honorable Gregory M. Sleet

Submitted Under Third Circuit LAR 34.1(a)
January 30, 2007

Before BARRY AND ROTH, Circuit Judges,
and DEBEVOISE*, District Judge

JUDGMENT

This cause came on to be heard on the record before the United States District Court for the District of Delaware and was submitted pursuant to Third Circuit LAR 34.1(a) on January 30, 2007.

On consideration whereof, **IT IS ORDERED AND ADJUDGED** by this Court that the judgment of the District Court dated March 29, 2006, is:

1. Affirmed to the extent that it dismisses Appellants' complaint pursuant to the doctrine of direct estoppel;
2. Reversed to the extent that it denies Appellees' motion to enjoin Appellants from refiling their action.

The action is remanded to the District Court for consideration of Appellees' motion to enjoin refiling of this action on the merits. The parties to bear their own costs. All of the above in accordance with the opinion of this Court.

* Honorable Dickinson R. Debevoise, Senior District Court Judge for the District of New Jersey, sitting by designation.

ATTEST:

/s/ Marcia M. Waldron

Clerk

Dated: 23 May 2007

The seal of the United States Court of Appeals for the Third Circuit is circular. It features an eagle with spread wings perched atop a shield. The shield is divided into sections, with a central section containing a scale of justice. The words "UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT" are inscribed around the perimeter of the seal, with "SEAL" at the bottom.

Certified as a true copy and issued in lieu
of a formal mandate on June 14, 2007

Teste: *Marcia M. Waldron*

Clerk, U.S. Court of Appeals for the Third Circuit